

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

LUMARY PADILLA ALEMANY

Debtor

CASE NO. 2016-06208-ESL

CHAPTER 7

STIPULATION TO LIFT STAY

TO THE HONORABLE COURT:

Come now, Debtor, Chapter 7 Trustee and creditor Mercedes Benz Financial Services USA LLC ("MBFS"), through their undersigned attorneys, and very respectfully state and pray:

1. MBFS is a secured creditor of Debtor by virtue of being holder in due course of a duly registered retail installment contract that encumbers Debtor's 2013 Mercedes Benz GLK 350 motor vehicle with vehicle identification number (VIN) WDCGG5HB1DG095768 (the "Collateral").

2. On August 4, 2016, Debtor filed the present voluntary bankruptcy petition and included MBFS' Collateral in Schedule B as a secured creditor. Furthermore, Debtor's Statement of Intentions provides for the rejection of MBFS' contract.

3. Currently the account is past due in the total amount of \$3,530.49 and an additional payment of \$820.92 will become due on September 24, 2016. The estimated payoff is of MBFS' debt is \$35,766.12.

4. For the above reasons, the appearing parties agree to file this stipulation in which Debtor, and the Chapter 7 Trustee lift the Automatic Stay Order over the abovementioned motor vehicle and surrender to MBFS any possessory and proprietary interest they might have over the

Collateral.

5. Regarding the abovementioned motor vehicle, the appearing parties agree to the following:

a. Debtor and Chapter 7 Trustee agree to lift the automatic stay order over the Collateral in favor of MBFS and surrender any possessory and proprietary interest in connection therewith, as part of Debtor's Chapter 7 liquidation case.

b. If the Collateral is eventually recovered by MBFS, Debtor and Chapter 7 Trustee allow the appearing creditor to sell and/or dispose of the motor vehicle as it deems necessary in a commercially reasonable manner.

c. This Stipulation shall be notified to all parties in interest, who are hereby advised that they have twenty-one (21) days to file their oppositions to the terms of this Stipulation. If no opposition is filed within twenty-one (21) days of the notice of this Stipulation, the Bankruptcy Court may enter an order approving the same.

6. Such is the Stipulation to Lift Stay agreed by the undersigned parties, whose approval by the Honorable Bankruptcy Court is respectfully requested.

RESPECTFULLY SUBMITTED.

In Kalamazoo, Michigan, on this 31st day of August, 2016.

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NOTICE

Notice to all parties is hereby given that if no opposition to the terms of this Stipulation is filed within twenty-one (21) days of the notice of this Stipulation, the Bankruptcy Court may enter an order approving the same.

In Kalamazoo, Michigan, on this 31st day of August, 2016.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this same date the foregoing was electronically filed, utilizing the CM/ECF System, which will notify the same to all interested parties; and I also certify that a true and correct copy of this Motion has been notified to all interested parties included in the attached master address list through regular mail.

In Kalamazoo, Michigan, on this 31st day of August, 2016.

FERNANDEZ, COLLINS CUYAR & PLA

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